

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

**CRAIG HAMLET,**

**Plaintiff,**

**v.**

**CAGE & ASSOCIATES, LTD. d/b/a  
SAFE-SCREEN.,**

**Defendant.**

**CASE NO.:**

## COMPLAINT

## JURY TRIAL DEMANDED

1. Plaintiff Craig Hamlet files this Complaint against Defendant Cage & Associates, Ltd. d/b/a Safe-Screen and alleges, based on personal knowledge as to Defendant's actions and upon information and belief as to all other matters, as follows:

## **I. JURISDICTION & VENUE**

**2. Jurisdiction of this Court arises under 15 U.S.C. § 1681p and 28 U.S.C. § 1331.**

**3. Venue lies properly in this district under 28 U.S.C. § 1391(b).**

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## II. PARTIES

4. Plaintiff is an adult individual who resides in Nevada.

5. At all times relevant hereto, Plaintiff has been a “consumer” as that term is defined by section 1681a(c) of the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.*

6. Defendant is a Nevada limited liability company headquartered in Las Vegas, Nevada and it regularly conducts business in this district.

7. At all times pertinent hereto, Defendant has been a consumer reporting agency (“CRA”) as defined by section 1681a(f) of the FCRA.

## III. FACTUAL ALLEGATIONS

8. In September 2020, Plaintiff obtained a position as a security officer with Vanguard Integrity Professionals (“Vanguard”) pending the successful completion of a background check.

9. As part of the employment process, Vanguard purchased a consumer report about Plaintiff from Defendant on or about September 23, 2020.

10. The consumer report was expected to be used for employment purposes.

11. Defendant furnished the consumer report to Vanguard on or about October 7, 2020.

12. Shortly after Defendant furnished the report to Vanguard, Plaintiff learned from Vanguard that it would be unable to move forward with his employment because it believed that Defendant’s consumer report showed that Plaintiff has a felony on his record.

13. When Plaintiff received a copy of the consumer report, he discovered the reason why Vanguard had been misled by Defendant.

1           14. Defendant had reported to Vanguard that Plaintiff had a “felony” for  
2 “embezzlement” with a “certified” disposition, and it listed the arrest date as “2007-05-10,” the  
3 offense date as “2007-05-10,” and the disposition date as “2007-08-14.”

4           15. This information was inaccurate, incomplete, not up-to-date, and obsolete.

5           16. The court records show that on May 20, 2010, the charge was reduced from a  
6 felony to a misdemeanor, the plea of guilty was set aside, a plea of not guilty was entered, and  
7 the case was dismissed.  
8

9           17. Defendant’s consumer report omitted all of this information and misled  
10 Vanguard.

11           18. After Plaintiff received Defendant’s consumer report, he disputed the criminal  
12 record information with Defendant.

13           19. A few weeks later, Defendant informed Plaintiff that it had conducted a  
14 reinvestigation and amended its consumer report to show “No Reportable Records Located.”  
15

16           20. Unfortunately, Defendant’s amended report was too little, too late. Plaintiff  
17 reached out to Vanguard after Defendant corrected its consumer report and Vanguard told him  
18 that it would not be doing any additional hiring at that time.

19                           **CAUSES OF ACTION**

20                           **FIRST CLAIM FOR RELIEF**

21                           **(15 U.S.C. § 1681c)**

22           21. Plaintiff realleges Paragraph Nos. 1-20 as if fully set forth herein.

23           22. The FCRA prohibits CRAs from reporting adverse information, other than  
24 records of convictions of crimes, that antedate the consumer report by more than seven years. 15  
25 U.S.C. § 1681c.  
26  
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1           23. Defendant violated Section 1681c by reporting non-conviction criminal record  
2 information about Plaintiff that antedated the report by more than seven years.

3           24. Defendant knew or should have known about its obligations under the FCRA.  
4 These obligations are well established in the plain language of the FCRA, in the promulgations  
5 of the Federal Trade Commission, and in well-established case law.

6           25. Defendant obtained or had available substantial written materials that apprised it  
7 of its duties under the FCRA.

8           26. Despite knowing of these legal obligations, Defendant acted consciously in  
9 breaching its known duties and deprived Plaintiff of his rights under the FCRA.  
10

11           27. Defendant's violation of 15 U.S.C. § 1681c was willful, rendering it liable  
12 pursuant to 15 U.S.C. § 1681n. In the alternative, Defendant was negligent, entitling Plaintiff to  
13 recover under 15 U.S.C. § 1681o.

14           28. As a result of this conduct by Defendant, Plaintiff suffered actual damages  
15 including without limitation, by example only and as described herein on his behalf by counsel:  
16 loss of employment, damage to reputation, embarrassment, humiliation and other emotional and  
17 mental distress.  
18

19           29. Additionally, Plaintiff is entitled to punitive damages, costs, and reasonable  
20 attorneys' fees as provided by 15 U.S.C. § 1681n and 15 U.S.C. § 1681o, along with such other  
21 and further relief against Defendant as may be just and proper.  
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**SECOND CLAIM FOR RELIEF**

**(15 U.S.C. § 1681e(a))**

30. Plaintiff realleges Paragraph Nos. 1-20 as if fully set forth herein.

31. The FCRA requires CRAs to “maintain reasonable procedures designed to avoid violations of section 1681c.” 15 U.S.C. § 1681e(a).

32. Defendant willfully violated Section 1681e(a) of the FCRA by failing to maintain reasonable procedures to avoid reporting obsolete adverse public record information about Plaintiff.

33. Defendant knew or should have known about its obligations under the FCRA. These obligations are well established in the plain language of the FCRA, in the promulgations of the Federal Trade Commission, and in well-established case law.

34. Defendant obtained or had available substantial written materials that apprised it of its duties under the FCRA.

35. Despite knowing of these legal obligations, Defendant acted consciously in breaching its known duties and deprived Plaintiff of his rights under the FCRA.

36. Defendant’s violation of 15 U.S.C. § 1681e(a) was willful, rendering it liable pursuant to 15 U.S.C. § 1681n. In the alternative, Defendant was negligent, entitling Plaintiff to recover under 15 U.S.C. § 1681o.

37. As a result of this conduct by Defendant, Plaintiff suffered actual damages including without limitation, by example only and as described herein on his behalf by counsel: loss of employment, damage to reputation, embarrassment, humiliation and other emotional and mental distress.

1           38.     Additionally, Plaintiff is entitled to punitive damages, costs, and reasonable  
2 attorneys' fees as provided by 15 U.S.C. § 1681n and 15 U.S.C. § 1681o, along with such other  
3 and further relief against Defendant as may be just and proper.

4                                   **THIRD CLAIM FOR RELIEF**

5   **(15 U.S.C. § 1681e(b))**

6           39.     Plaintiff realleges Paragraph Nos. 1-20 as if fully set forth herein.

7           40.     Defendant violated 15 U.S.C. § 1681e(b) by failing to establish or follow  
8 reasonable procedures to assure maximum possible accuracy in the preparation of the consumer  
9 report furnished regarding Plaintiff.  
10

11          41.     Defendant knew or should have known about its obligations under the FCRA.  
12 These obligations are well established in the plain language of the FCRA, in the promulgations  
13 of the Federal Trade Commission, and in well-established case law.

14          42.     Defendant obtained or had available substantial written materials that apprised it  
15 of its duties under the FCRA.  
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17          43.     Despite knowing of these legal obligations, Defendant acted consciously in  
18 breaching its known duties and deprived Plaintiff of his rights under the FCRA.

19          44.     Defendant's violation of the FCRA was willful, rendering it liable pursuant to 15  
20 U.S.C. § 1681n. In the alternative, Defendant was negligent, entitling Plaintiff to recover under  
21 15 U.S.C. § 1681o.  
22

23          45.     As a result of this conduct by Defendant, Plaintiff suffered actual damages  
24 including without limitation, by example only and as described herein on his behalf by counsel:  
25 loss of employment, damage to reputation, embarrassment, humiliation and other emotional and  
26 mental distress.  
27

1           46.     Additionally, Plaintiff is entitled to punitive damages, costs, and reasonable  
2 attorneys' fees as provided by 15 U.S.C. § 1681n and 15 U.S.C. § 1681o, along with such other  
3 and further relief against Defendant as may be just and proper.

4                                   **FOURTH CLAIM FOR RELIEF**

5   **(15 U.S.C. § 1681k)**

6           47.     Plaintiff realleges Paragraph Nos. 1-20 as if fully set forth herein.

7           48.     Section 1681k of the FCRA requires that when a consumer reporting agency  
8 supplies public record information to a user for employment, and such information is likely to  
9 have an adverse effect on employment, the CRA must:  
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11               (1) at the time such public record information is reported to the user of such  
12 consumer report, notify the consumer of the fact that public record information is  
13 being reported by the consumer reporting agency, together with the name and  
14 address of the person to whom such information is being reported; or (2) maintain  
15 strict procedures designed to insure that whenever public record information  
16 which is likely to have an adverse effect on a consumer's ability to obtain  
17 employment is reported it is complete and up to date.

18           49.     Defendant violated 15 U.S.C. § 1681k by failing to notify Plaintiff it was  
19 reporting public record information about him and failing to maintain strict procedures to ensure  
20 that the public record information it was reporting was complete and up to date.

21           50.     Defendant knew or should have known about its obligations under the FCRA.  
22 These obligations are well established in the plain language of the FCRA, in the promulgations  
23 of the Federal Trade Commission, and in well-established case law.

24           51.     Defendant obtained or had available substantial written materials that apprised it  
25 of its duties under the FCRA.  
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1           52. Despite knowing of these legal obligations, Defendant acted consciously in  
2 breaching its known duties and deprived Plaintiff of his rights under the FCRA.

3           53. Defendant's violation of the FCRA was willful, rendering it liable pursuant to 15  
4 U.S.C. § 1681n. In the alternative, Defendant was negligent, entitling Plaintiff to recover under  
5 15 U.S.C. § 1681o.

6           54. As a result of this conduct by Defendant, Plaintiff suffered actual damages  
7 including without limitation, by example only and as described herein on his behalf by counsel:  
8 loss of employment, damage to reputation, embarrassment, humiliation and other emotional and  
9 mental distress.  
10

11           55. Additionally, Plaintiff is entitled to punitive damages, costs, and reasonable  
12 attorneys' fees as provided by 15 U.S.C. § 1681n and 15 U.S.C. § 1681o, along with such other  
13 and further relief against Defendant as may be just and proper.  
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15                           **PRAYER FOR RELIEF**

16           WHEREFORE, Plaintiff prays for relief as follows:

- 17           A. An award of actual, statutory and punitive damages for Plaintiff;  
18           B. An award of pre-judgment and post-judgment interest as provided by law;  
19           C. An award of attorney's fees and costs; and  
20           D. Such other relief as the Court deems just and proper.

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**TRIAL BY JURY**

Plaintiff hereby requests a trial by jury on those causes of action where a trial by jury is allowed by law.

DATE: February 4, 2021

**MITCHELL D. GLINER, ESQ.**

By:

  
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*\*Will comply with LR IA 11-2 within 14 days*